



D NOTE

State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3247/P7 1
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Wanted Mon 10/11

PRELIMINARY DRAFT NOT READY FOR INTRODUCTION

(regenerated)

1 AN ACT ~~to repeal~~ 108.04 (7) (i), 108.05 (1) (h) and (i), 108.18 (2) (b), 108.20 (5) to
2 (9) and 108.22 (1) (a) 2. to 4.; **to renumber and amend** 108.22 (1) (a) 5.; **to**
3 **amend** 20.445 (1) (gd), 20.445 (1) (ge), 20.445 (1) (gf), 20.445 (1) (gg), 20.445 (1)
4 (gh) (title), 20.445 (1) (h), 20.445 (1) (nb), 108.02 (4), 108.02 (12) (a), 108.02 (12)
5 (b) (intro.), 108.04 (1) (b) 2., 108.04 (2) (a) 1., 108.04 (2) (a) 2., 108.04 (5), 108.04
6 (6), 108.04 (7) (b), 108.04 (7) (h), 108.04 (11) (d), 108.04 (13) (d), 108.05 (1) (j)
7 (intro.), 108.05 (3) (a), 108.09 (2) (bm), 108.09 (4s), 108.09 (9) (c), 108.15 (3) (e),
8 108.151 (1), 108.16 (6) (e), 108.16 (6m) (e), 108.18 (2) (c), 108.18 (9) (figure)
9 Schedule C, line 1, 108.18 (9) (figure) Schedule D, line 1, 108.19 (1e) (a), 108.19
10 (1e) (d), 108.20 (3), 108.205 (2), 108.22 (1) (a) 1., 108.22 (1) (b), 108.22 (1) (c) and
11 108.22 (8) (c) 1. a.; and **to create** 20.445 (1) (nc), 108.02 (4) (b), 108.02 (10g),
12 108.02 (12) (bm), 108.02 (15s), 108.02 (17m), 108.04 (1) (c), 108.04 (2) (a) 3.,
13 108.04 (7) (cm), 108.04 (7) (s), 108.04 (11) (cm), 108.04 (13) (d) 3. b., 108.05 (1)
14 (k) and (L), 108.05 (3) (c), 108.06 (2) (cm), 108.095, 108.161 (3e) and 108.22 (1)
15 (ac) of the statutes; **relating to:** various changes in the unemployment

- 1 insurance law, granting rule-making authority, making appropriations and
2 providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the unemployment insurance law. Significant provisions include:

BENEFIT RATE CHANGES

Currently, weekly unemployment compensation benefit rates for total unemployment range from \$44 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,100 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$297 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,425 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after April 2, 2000, and before October 1, 2000, to rates ranging from \$45 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,125 during at least one quarter of the employee's base period to \$305 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,625 during any such quarter; and beginning on or after October 1, 2000, to rates ranging from \$46 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,150 during at least one quarter of the employee's base period to \$313 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,825 during any such quarter.

OTHER BENEFIT CHANGES

Partial unemployment

Currently, if a claimant earns wages in a given week, the first \$30 of the wages are disregarded and the claimant's weekly benefit payment is reduced by 67% of the remaining amount of wages earned, but no claimant is eligible to receive benefits for any week if the benefits would be less than \$5 and any wages that the claimant would have earned in any week for work performed for his or her employer had the claimant accepted available work from that employer are treated as wages earned for that week. Any amount that a claimant earns for services performed as a volunteer fire fighter or volunteer emergency medical technician in any week does not reduce the claimant's weekly benefit payment for that week. With certain exceptions, if a claimant works at least 35 hours in any given week for the employer that provided at least 80% of the wages or certain other payments that the claimant received during his or her base period (qualifying work period during which benefit rights accrue), the claimant is ineligible to receive any benefits for that week.

This bill provides, in addition, that a claimant is ineligible to receive any benefits for a week in which the claimant works a total of 40 or more hours for any employer or employers.

Search for work

the department of workforce development

Currently, in order to receive benefits for a week in which a claimant earns no wages, a claimant must seek suitable work during that week, unless otherwise permitted by (DWD) by rule. This bill provides that, during the 104-week period beginning on the day the law resulting from the bill takes effect, in order to receive benefits for a week in which a claimant earns no wages, the claimant must conduct a reasonable search for suitable work during that week, unless otherwise permitted by DWD by rule. Under the bill, the search must include two actions each week that constitute a reasonable search as prescribed by DWD by rule.

Benefits payable during voluntary leaves of absence

Currently, an employee is ineligible to receive benefits while the employee is on a voluntary leave of absence granted for a definite period, until the period ends or until the employee returns to work, whichever occurs first. This bill provides that if an employee is granted a leave of absence for any portion of a week, the employee's eligibility for benefits for that portion of a week shall be reduced by the amount of wages that the employee could have earned had the leave not been granted, by treating the wages that the employee would have earned for work the employee would have performed during the leave as wages actually earned and applying the same method for computing benefits that is used to determine the benefits payable to employees who are partially unemployed. The bill provides that DWD shall estimate the wages that an employee would have earned for any partial week if it is not possible to compute the exact amount of wages that the employee would have earned for that partial week.

Possession or use of controlled substances

Currently, if an employee is discharged for misconduct connected with his or her work (interpreted by the courts to include only misconduct that evinces wilful or wanton disregard of the employer's interests or carelessness or negligence in the performance of duties to such degree or recurrence as to manifest culpability or wrongful intent or exhibit such behavior as to endanger the physical safety of persons on the work site), the employee is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment compensation law of any state or the federal government. In addition, all wages earned with the employer that discharges the employee are excluded in determining the amount of any future benefits to which the employee is entitled. If an employee is suspended for good cause connected with his or her work, the employee is ineligible to receive benefits until three weeks have elapsed since the end of the week in which the suspension occurs or until the suspension is terminated, whichever occurs first. Under current law, DWD must prescribe, by rule, conditions under which an employee's possession, use or impairment due to use of a controlled substance (dangerous drug) or an employee's violation of a work rule relating to controlled substances testing constitutes misconduct or good cause for suspension for purposes of these provisions.

This bill deletes the requirement for DWD to promulgate this rule, thereby leaving determination of misconduct or good cause for suspension under these circumstances to be determined on a case-by-case basis.

Voluntary termination of employment ^{work} ~~work~~ ^{⑥+①}

Currently, if an employe voluntarily terminates his or her ^{work} ~~employment~~ with an employer, the employe is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employe earns wages after the week in which the termination occurs equal to at least four times the employe's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employe may terminate his or her ~~employment~~ ^{work} and receive benefits without requalifying under this provision if the employe terminates his or her ~~employment~~ ^{work} with good cause attributable to his or her employer. In addition, an employe may voluntarily terminate his or her ~~employment~~ ^{work} and receive benefits without requalifying under this provision if the employe terminates his or her ~~employment~~ ^{work} because the employe's employer made employment, compensation, promotion or job assignments contingent upon the employe's consent to sexual contact or sexual intercourse. ^{work}

This bill eliminates the second exception relating to sexual contact or sexual intercourse, but specifically provides that "good cause" under the first exception includes sexual harassment by an employer, ~~or~~ ^{work} employer's agent, of which the employer ~~or agent~~ ^{work} knew or should have known but failed to take timely and appropriate corrective action. ^{work} ^{concerns about}

The bill also creates a new exception which provides that an employe may voluntarily terminate his or her ~~employment~~ ^{work} and receive benefits without requalifying if the employe terminates his or her ~~employment~~ ^{work} due to domestic abuse, concerns about his or her personal safety or harassment or the personal safety or harassment of members of the employe's household, the employe obtains a restraining order from a court in this state or another jurisdiction relating to domestic abuse, child abuse, harassment or contact with a child or vulnerable adult prior to terminating his or her ~~employment~~ ^{work} and the employe demonstrates that the order has been or is reasonably likely to be violated. ^{work}

In addition, the bill creates another new exception which provides that an employe may voluntarily terminate his or her ~~work~~ ^{work} and receive benefits without requalifying if the employe terminates his or her ~~work~~ ^{work} as the result of a requirement by his or her employer to transfer his or her working hours to a shift occurring at a time that would ~~preclude the employe from providing~~ ^{is hired to work a particular shift and the employee} child care to his or her minor children, provided that the employe remains able to work and available to perform ~~work under the same conditions that applied to~~ ^{result in a lack of} the employe's most recent work. ^{is}

Under the bill, the cost of benefits paid to an employe under the sexual harassment and child care exceptions is generally charged to the employer or employers that employed the employe during his or her base period (recent work period during which benefit rights accrue). The cost of benefits paid to an employe under the abuse, contact and harassment exception is charged to the balancing account of the unemployment reserve fund, which is financed from the contributions ^{For that employer}

during the same shift that the employe worked in

(taxes) of all employers that are subject to a requirement to pay contributions, unless the employee's employer or employers do not pay contributions, in which case the cost of benefits is generally chargeable to the employee's employer or employers.

Employee status

Currently, in order to be eligible to claim benefits, an individual must, in addition to other requirements, be an "employee" as defined in the unemployment insurance law. Generally, an "employee" is an individual who performs services for an employer in employment covered under the unemployment insurance law, whether or not the individual is directly paid by the employer. However, an individual is not an "employee" if the individual performs services as an independent contractor. Except in the case of a logger or trucker performing services for an employer other than a governmental or nonprofit employer, to be considered an independent contractor, an individual must hold or have applied for an employer identification number with the federal internal revenue service or must have filed business or self-employment income tax returns with the federal internal revenue service in the previous year, and must meet at least six of eight other conditions concerning the individual's relationship to or direction or control over his or her business or the services that he or she performs. This bill provides instead, that during the four-year period following the day the bill becomes law, an independent contractor (other than a logger or trucker as currently provided) must meet at least seven of ten conditions concerning the individual's relationship to or control over his or her business or the services that he or she performs. Two of the conditions that an individual may use to qualify as an independent contractor require the individual to have a federal employer identification number or to have filed business or self-employment income tax returns with the federal internal revenue service based on the services performed as an independent contractor. The other eight conditions are the same eight conditions that an individual may use to qualify as an independent contractor under current law.

Definition of base period

Currently, an employee's eligibility for and amount of benefits are determined with reference to the employee's "base period", which is the work period consisting of the first four of the five most recently completed quarters at the time that an employee begins a "benefit year" (period during which benefits are payable). This bill provides that, if an employee does not qualify to receive any benefits using the current definition of "base period", the employee's base period shall be the four most recently completed quarters at the time that an employee begins a benefit year. Under the bill, an employee whose benefits are computed using the alternate base period may not reuse any wages for a subsequent benefit claim based on the current definition of "base period", except for payment of Wisconsin supplemental or federal extended benefits (these benefits are paid during periods of high unemployment).

TAX CHANGES

Solvency rate adjustment

Currently, all employers that engage employees in work that is covered under the unemployment insurance law, other than governmental and nonprofit employers

that elect to pay directly for the cost of benefits, must pay contributions (taxes) to finance unemployment insurance benefits. The total contribution rate of an employer is equal to the sum of the employer's contribution rate and the employer's solvency rate, each of which vary with the employment stability of the employer and the solvency of the unemployment reserve fund, from which benefits are paid. An employer's contributions payable as a result of its contribution rate are credited to the employer's account, while an employer's contributions payable as a result of its solvency rate are credited to the fund's balancing account, which is used to fund benefits not payable from any employer's account. This bill decreases the solvency rate payable by employers having a taxable annual payroll for unemployment insurance purposes of less than \$500,000 when the unemployment insurance fund has a balance of at least \$900,000,000 from 0.02% of an employer's payroll to 0.00% of an employer's payroll.

Special assessments payable by certain new employers

Currently, if a new employer is required to pay contributions (taxes) to the unemployment reserve fund and the employer's account is overdrawn as of January 31 or June 30 following any of the first three calendar years that the employer is subject to a contribution requirement because the total benefits charged to the account exceed the total contributions credited to the account as of one of those dates, the employer must pay a special assessment to the unemployment reserve fund in the amount of 1.3% of the employer's annual taxable payroll for unemployment insurance purposes for the calendar year preceding the year in which the account is overdrawn. This bill repeals the requirement to pay this assessment.

Special assessments for information technology systems

Currently, each employer that is subject to a contribution requirement must pay an annual special assessment for each year prior to 2000 in an amount that may not exceed the lesser of 0.01% of the employer's annual taxable payroll for unemployment insurance purposes or the employer's solvency contribution for that year for the purpose of financing the design or development of unemployment insurance information technology systems. The department of workforce development (DWD) must reduce the solvency rate that an employer must pay in each year prior to 2000 by the special assessment rate applicable to that employer for that year. (The solvency rate is the portion of an employer's contribution rate that is used to maintain the solvency of the unemployment reserve fund.) This bill makes the special assessment requirement and solvency rate offset applicable to calendar years 2000 and 2001 ~~and imposes the assessment in an amount that may not exceed the lesser of 1.12% of the employer's annual taxable payroll for unemployment insurance purposes or the employer's solvency contribution for that year.~~ The bill also permits DWD to use the revenue generated by the assessments only for renovation and modernization of the unemployment insurance tax and accounting system. (X)

OTHER CHANGES**Quarterly wage report format**

Currently, each employer that is subject to the unemployment insurance law must file with DWD a quarterly report of the wages paid to each of its employees and certain other information. Employers of 250 or more employees must file the report using a medium approved by DWD. If an employer is delinquent in filing a report, the employer is subject to a tardy filing fee of \$15 to \$115, depending on the number of its employees. This bill applies this reporting requirement to all employers of 100 or more employees. ~~The bill requires DWD to approve one or more electronic media for use in complying with the requirement, and requires each employer to report using such media. The bill also applies the electronic reporting requirement for not less than four complete quarters after an employer becomes subject to the requirement.~~ Under the bill, an employer that becomes subject to an electronic reporting requirement is not required to file electronically until the fourth quarter after the quarter in which the requirement first applies. In addition, the bill changes the amounts of the tardy filing fees from not less than \$25 to not more than \$75, and permits DWD to assess a penalty against any employer that is subject to an electronic reporting requirement and that fails to report using electronic media approved by DWD in the amount of \$10 for each employee whose information is not reported using approval electronic media.

provides
that once an
employer
becomes
subject to

the employer must
continue to report electronically
regardless of the number of its
employees, unless that requirement
is waived by
DWD

Use of interest and penalty revenues

Currently, DWD collects interest on late payments required to be made to DWD by employers and various penalties for late payments and certain other infractions under the unemployment insurance law. The revenues from interest and penalties are used to finance administration of the unemployment insurance and other employment security programs, including employment security building construction costs and operation of public employment offices. This bill discontinues use of these interest and penalty revenues for employment security building construction and administrative purposes. Under the bill, the only authorized purpose for which these revenues may be used is unemployment insurance administration.

Fraudulent claims for benefits

Currently, if a person makes a false statement or representation in order to obtain benefits that are payable to another person, DWD may file a civil lawsuit to recover the amount of the benefits improperly paid. In addition, the person making the fraudulent statement or representation is guilty of a misdemeanor and is subject to a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both, for each false statement or misrepresentation.

This bill provides, in addition, that DWD may, after an investigation, issue an administrative determination requiring the repayment of any benefits that were payable to a person other than the claimant and that were obtained by means of a false statement or representation and may also require the offender to pay an additional amount equal to not more than 50% of the amount of the benefits obtained. The determination may be appealed.

Grace period for reimbursements

Currently, public employers and nonprofit organizations may elect, in lieu of paying contributions to the unemployment reserve fund, to reimburse the fund for any benefit payments made by the fund that are chargeable to these employers. Any reimbursement is due not later than 20 days after DWD mails a bill to an employer for the reimbursement. This bill provides if DWD receives any such reimbursement by the last day of the month in which that 20th day occurs, the employer making the reimbursement is not liable for any interest or penalty.

Reissuance of voided benefit checks

Currently, if an unemployment insurance benefit check is not presented for payment within one year after its date of issue, the amount of the check is credited to the unemployment reserve fund and a replacement check may be issued within one year after the date on which the check becomes void.

This bill provides, instead, that, if an unemployment insurance benefit check is not presented for payment within one year after its date of issue, the amount of the check is credited to the unemployment reserve fund. The bill also provides that a replacement check may be issued if the employee to whom the original check was payable makes application therefor within six years after the date of issue of the original check. The change is retroactive to checks issued on or after January 1, 1995.

Use of federal employment security moneys

Currently, federal moneys received by this state under the federal Reed Act of 1954 may be used to pay benefits or for employment security administration, including unemployment insurance, the public employment service and related statistical operations. This bill provides, in accordance with federal law, that the moneys allocated to this state for federal fiscal years 2000, 2001 and 2002 may only be used for unemployment insurance administration.

Charging of certain improperly paid benefits

Currently, when DWD pays benefits to an employee improperly due to a departmental error, the account of the employer is not charged for the benefits. This bill removes conflicting language in current law to clarify that if the employer is subject to a requirement to pay contributions ~~Wages~~ to the unemployment reserve fund, the cost of any benefits that are improperly paid to an employee of the employer and that are not recovered from that employee is charged to the balancing account of the unemployment reserve fund. The bill also clarifies that if benefits are erroneously paid to an employee due to the fault of an employer, the cost of the benefits is charged to the employer's account rather than the balancing account regardless of whether the benefits may have been paid as a result of a departmental error.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.445 (1) (gd) of the statutes, as affected by 1997 Wisconsin Acts
2 27, 39 and 252, is amended to read:

3 20.445 (1) (gd) *Unemployment interest and penalty payments.* From the
4 moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (cm)
5 and 108.22, assessments under s. 108.19 (1m) and forfeitures under s. 103.05 (5), all
6 moneys not appropriated under pars. (ge), (gf) and (gg) and all moneys transferred
7 to this appropriation account from the appropriation account under par. (gh) for the
8 payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132
9 (1) (c), for the payment of interest to employers under s. 108.17 (3m), for the payment
10 of interest due on advances from the federal unemployment account under title XII
11 of the social security act to the unemployment reserve fund, and for payments made
12 to the unemployment reserve fund to obtain a lower interest rate or deferral of
13 interest payments on these advances, except as otherwise provided in s. 108.20.

14 **SECTION 2.** 20.445 (1) (ge) of the statutes is amended to read:

15 20.445 (1) (ge) *Unemployment reserve fund research.* From the moneys
16 received as interest and penalties collected under ss. 108.04 (11) (c) and (cm) and
17 108.22, the amounts in the schedule for research relating to the current and
18 anticipated condition of the unemployment reserve fund under s. 108.14 (6).

19 **SECTION 3.** 20.445 (1) (gf) of the statutes is amended to read:

20 20.445 (1) (gf) ~~*Employment security*~~ *Unemployment insurance administration.*
21 From the moneys received as interest and penalties collected under ss. 108.04 (11)
22 (c) and (cm) and (13) (c) and 108.22, the amounts in the schedule for the
23 administration of ~~employment service programs and~~ unemployment insurance
24 programs under ch. 108 ~~and s. 106.09~~ and federal or state unemployment insurance
25 programs authorized by the governor under s. 16.54; and for payments to satisfy any

1 federal audit exception concerning a payment from the unemployment reserve fund
2 or any federal aid disallowance involving the unemployment insurance program.

3 SECTION 4. 20.445 (1) (gg) of the statutes is amended to read:

4 20.445 (1) (gg) (title) *Unemployment ~~information technology systems tax and~~*
5 *accounting system; interest and penalties.* From the moneys received as interest and
6 penalties collected under ss. 108.04 (11) (c) and (cm) and (13) (c) and 108.22, as a
7 continuing appropriation, the amounts in the schedule for the purpose specified in
8 s. 108.19 (1e).

9 SECTION 5. 20.445 (1) (gh) (title) of the statutes is amended to read:

10 20.445 (1) (gh) (title) *Unemployment ~~information technology systems tax and~~*
11 *accounting system; assessments.*

12 SECTION 6. 20.445 (1) (n) of the statutes is amended to read:

13 20.445 (1) (n) *Unemployment administration; federal moneys.* All federal
14 moneys received for the employment service under s. 106.09 (4) to (6), for the
15 administration of unemployment insurance or for the performance of the
16 department's functions under ch. 108, and for its other efforts to regularize
17 employment, except moneys appropriated under par. (nc), to pay the compensation
18 and expenses of appeal tribunals and of councils and to pay allowances stimulating
19 education during unemployment, to be used for such purposes except as provided in
20 s. 108.161 (3e), and to transfer to par. (nb) an amount determined by the treasurer
21 of the unemployment reserve fund not exceeding the lesser of the amount specified
22 in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb).

23 SECTION 7. 20.445 (1) (nb) of the statutes is amended to read:

24 20.445 (1) (nb) (title) *Unemployment ~~information technology systems tax and~~*
25 *accounting system; federal moneys.* As a continuing appropriation, the amounts in

1 the schedule, as authorized by the governor under s. 16.54, for the purpose specified
2 in s. 108.19 (1e). All moneys transferred from par. (n) for this purpose shall be
3 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
4 treasurer of the unemployment reserve fund shall transfer any unencumbered
5 balance in this appropriation account that is not needed or available to carry out the
6 purpose of this appropriation to the appropriation account under par. (n). No moneys
7 may be expended from this appropriation unless the treasurer of the unemployment
8 reserve fund determines that such expenditure is currently needed for the purpose
9 specified in s. 108.19 (1e). ~~No moneys may be encumbered from this appropriation~~
10 ~~account after the beginning of the 3rd 12-month period beginning after May 21,~~
11 ~~1998.~~

12 SECTION 8. 20.445 (1) (nc) of the statutes is created to read:

13 20.445 (1) (nc) *Unemployment insurance administration; special federal*
14 *moneys*. All moneys received from the federal government under section 903 of the
15 federal Social Security Act, as amended, as authorized by the governor under s.
16 16.54, for federal fiscal years 2000, 2001 and 2002, to be used for administration of
17 unemployment insurance.

18 SECTION 9. 108.02 (4) of the statutes is amended to read:

19 108.02 (4) BASE PERIOD. ~~An employee's "base~~ "Base period" means the period
20 that is used to compute an employee's benefit rights under s. 108.06 consisting of the;

21 (a) The first 4 of the 5 most recently completed quarters preceding the
22 employee's benefit year, which is used to compute his or her benefit rights for that year
23 under s. 108.06; or

24 SECTION 10. 108.02 (4) (b) of the statutes is created to read:

1 10. The success or failure of the individual's business depends on the
2 relationship of business receipts to expenditures.

3 **SECTION 15.** 108.02 (15s) of the statutes is created to read:

4 108.02 (15s) FAMILY MEMBER. "Family member" means a spouse, parent, child
5 or person related by consanguinity to another person.

6 **SECTION 16.** 108.02 (17m) of the statutes is created to read:

7 108.02 (17m) HOUSEHOLD MEMBER. "Household member" means a person who
8 is currently or formerly residing in a place of abode with another person.

9 **SECTION 17.** 108.04 (1) (b) 2. of the statutes is amended to read:

10 108.04 (1) (b) 2. While the employee is on a voluntary leave of absence granted
11 for a definite period, until the period ends or until the employee returns to work,
12 whichever occurs first, except as provided in par. (c); or

13 **SECTION 18.** 108.04 (1) (c) of the statutes is created to read:

14 108.04 (1) (c) If a leave of absence is granted to an employee for a portion of a
15 week, the employee's eligibility for benefits for that partial week shall be reduced by
16 the amount of wages that the employee could have earned in his or her work had the
17 leave not been granted. For purposes of this paragraph, the department shall treat
18 the amount the employee would have earned as wages in that work for that week as
19 wages earned by the employee and shall apply the method specified in s. 108.05 (3)
20 (a) to compute the benefits payable to the employee. The department shall estimate
21 the wages that an employee would have earned for a partial week if it is not possible
22 to compute the exact amount of wages that the employee would have earned for that
23 partial week.

24 **SECTION 19.** 108.04 (2) (a) 1. of the statutes is amended to read:

1 108.04 (2) (a) 1. The individual is able to work and available for work and is
2 ~~seeking suitable work during that week; and~~

3 **SECTION 20.** 108.04 (2) (a) 2. of the statutes is amended to read:

4 108.04 (2) (a) 2. As of that week, the individual has registered for work; ~~and~~

5 **SECTION 21.** 108.04 (2) (a) 3. of the statutes is created to read:

6 108.04 (2) (a) 3. The individual is seeking suitable work during that week or,
7 during the 104-week period beginning on the effective date of this subdivision
8 [revisor inserts date], the individual conducts a reasonable search for suitable work
9 during that week. The work search required under this subdivision must include 2
10 actions that constitute a reasonable search as prescribed by rule of the department.

11 **SECTION 22.** 108.04 (5) of the statutes is amended to read:

12 108.04 (5) DISCHARGE FOR MISCONDUCT. An employee whose work is terminated
13 by an employing unit for misconduct connected with the employee's work is ineligible
14 to receive benefits until 7 weeks have elapsed since the end of the week in which the
15 discharge occurs and the employee earns wages after the week in which the discharge
16 occurs equal to at least 14 times the employee's weekly benefit rate under s. 108.05
17 (1) in employment or other work covered by the unemployment insurance law of any
18 state or the federal government. For purposes of requalification, the employee's
19 weekly benefit rate shall be that rate which would have been paid had the discharge
20 not occurred. The wages paid to an employee by an employer which terminates
21 employment of the employee for misconduct connected with the employee's
22 employment shall be excluded from the employee's base period wages under s. 108.06
23 (1) for purposes of benefit entitlement. ~~The department shall, by rule, prescribe the~~
24 ~~conditions under which an employee's possession, use or impairment due to use of a~~
25 ~~controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as~~

1 108.02 (4) (b) If an employee does not qualify to receive any benefits using the
2 period described in par. (a), the period consisting of the 4 most recently completed.
3 quarters preceding the employee's benefit year.

4 SECTION 11. 108.02 (10g) of the statutes is created to read:

5 108.02 (10g) DOMESTIC ABUSE. "Domestic abuse" means physical abuse,
6 including a violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse:

7 (a) By an adult family or adult household member against another family or
8 household member;

9 (b) By an adult person against his or her spouse or former spouse; or

10 (c) By an adult person against a person with whom the person has a child in
11 common.

12 SECTION 12. 108.02 (12) (a) of the statutes is amended to read:

13 108.02 (12) (a) "Employee" means any individual who is or has been performing
14 services for an employing unit, in an employment, whether or not the individual is
15 paid directly by such employing unit; except as provided in par. (b), (bm), (c) or (d).

16 SECTION 13. 108.02 (12) (b) (intro.) of the statutes is amended to read:

17 108.02 (12) (b) (intro.) Paragraph ^{beginning on January 1, 1996, and} During the period ^{ending} prior to the effective date
18 of this paragraph [revisor inserts date], and the period ^{beginning} after the last day of the ^{on the} ~~year~~ ^{day}
19 ^{4th year} ~~year~~ ^{beginning} ~~after~~ ^{on} the effective date of this paragraph) [revisor inserts date]. ^{before}

20 par. (a) does not apply to an individual performing services for an employing unit
21 other than a government unit or nonprofit organization in a capacity other than as
22 a logger or trucker, if the employing unit satisfies the department that:

23 SECTION 14. 108.02 (12) (bm) of the statutes is created to read:

24 108.02 (12) (bm) During the ^{4-year} period beginning on the effective date of this
25 paragraph [revisor inserts date], ~~and ending on the last day of the 3rd year~~

- 1 ~~beginning after that date, par. (a) does not apply to an individual performing services~~
2 for an employing unit other than a government unit or nonprofit organization in a
3 capacity other than as a logger or trucker, if the employing unit satisfies the
4 department that the individual meets 7 or more of the following conditions by
5 contract and in fact:
- 6 1. The individual holds or has applied for an identification number with the
7 federal internal revenue service.
 - 8 2. The individual has filed business or self-employment income tax returns
9 *or, in the case of a new business, in the year in which such services were first performed*
10 with the federal internal revenue service based on such services in the previous year.
 - 11 3. The individual maintains a separate business with his or her own office,
12 equipment, materials and other facilities.
 - 13 4. The individual operates under contracts to perform specific services for
14 specific amounts of money and under which the individual controls the means and
15 methods of performing such services.
 - 16 5. The individual incurs the main expenses related to the services that he or
17 she performs under contract.
 - 18 6. The individual is responsible for the satisfactory completion of the services
19 that he or she contracts to perform and is liable for a failure to satisfactorily complete
20 the services.
 - 21 7. The individual receives compensation for services performed under a
22 contract on a commission or per-job or competitive-bid basis and not on any other
23 basis.
 - 24 8. The individual may realize a profit or suffer a loss under contracts to perform
25 such services.
 - 26 9. The individual has recurring business liabilities or obligations.

1 ~~defined in s. 961.01 (4m), or an employee's violation of a work rule relating to~~
2 ~~controlled substances testing constitutes misconduct.~~ This subsection does not
3 preclude an employee who has employment with an employer other than the employer
4 which terminated the employee for misconduct from establishing a benefit year using
5 the base period wages excluded under this subsection if the employee qualifies to
6 establish a benefit year under s. 108.06 (2) (a). The department shall charge to the
7 fund's balancing account any benefits otherwise chargeable to the account of an
8 employer that is subject to the contribution requirements under ss. 108.17 and
9 108.18 from which base period wages are excluded under this subsection.

10 **SECTION 23.** 108.04 (6) of the statutes is amended to read:

11 108.04 (6) DISCIPLINARY SUSPENSION. An employee whose work is suspended by
12 an employing unit for good cause connected with the employee's work is ineligible to
13 receive benefits until 3 weeks have elapsed since the end of the week in which the
14 suspension occurs or until the suspension is terminated, whichever occurs first. The
15 ~~department shall, by rule, prescribe the conditions under which an employee's~~
16 ~~possession, use or impairment due to use of a controlled substance, as defined in s.~~
17 ~~961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), or an~~
18 ~~employee's violation of a work rule relating to controlled substances testing~~
19 ~~constitutes good cause for suspension.~~ This subsection does not preclude an employee
20 from establishing a benefit year during a period in which the employee is ineligible
21 to receive benefits under this subsection if the employee qualifies to establish a benefit
22 year under s. 108.06 (2) (a).

23 **SECTION 24.** 108.04 (7) (b) of the statutes is amended to read:

24 108.04 (7) (b) Paragraph (a) does not apply if the department determines that
25 the employee terminated his or her work with good cause attributable to the

1 employing unit. In this paragraph, "good cause" includes, but is not limited to, a
 2 request, suggestion or directive by the employing unit that the employee violate
 3 federal or Wisconsin law, or sexual harassment, as defined in s. 111.32 (13), by an
 4 employing unit ^{employing unit's} ~~employer or employer's agent~~ ^{or co-worker} of which the employer or agent knew or should have
 5 known but failed to take timely and appropriate corrective action.

6 SECTION 25. 108.04 (7) (cm) of the statutes is created to read:

7 108.04 (7) (cm) Paragraph (a) does not apply if the department determines that ^{if an employee is hired to work a particular shift and}
 8 the employee terminated his or her work as the result of a requirement by his or her
 9 employing unit to transfer his or her working hours to a shift occurring at a time that
 10 would ~~preclude the employee from providing~~ ^{result in a lack of} child care for his or her minor children,
 11 provided that the employee ^{is} ~~remains~~ able to work and available for ^{full-time} ~~work under the~~
 12 ~~same conditions that applied to the employee's most recent work.~~ ^{during the same shift that the employee worked in with that employing unit} An employee who
 13 ~~remains able to work and available for work under the same conditions that applied~~
 14 ~~to the employee's most recent work under this paragraph is deemed to be able to work~~ ^{For purposes of sub. (2)(a), such an employee}
 15 and available for work ^{during that shift} ~~with respect to these conditions for purposes of subs. (2) (a)~~
 16 and (8) (e).

17 SECTION 26. 108.04 (7) (h) of the statutes is amended to read:

18 108.04 (7) (h) The department shall charge to the fund's balancing account
 19 benefits paid to an employee that are otherwise chargeable to the account of an
 20 employer that is subject to the contribution requirements of ss. 108.17 and 108.18
 21 if the employee voluntarily terminates employment with that employer and par. (a),
 22 (c), (d), (e), (k), (L), (o), (p) or (q) ~~or (s)~~ applies.

23 SECTION 27. 108.04 (7) (i) of the statutes is repealed.

24 SECTION 28. 108.04 (7) (s) of the statutes is created to read:

25 108.04 (7) (s) ~~Paragraph~~ Paragraph (a) does not apply if the employee:

1. Va. Terminates his or her work due to domestic abuse, concerns about personal safety or harassment, ^{concerns about} the safety or harassment of his or her family members who reside with the employee or ^{concerns about} the safety or harassment of other household members;

2. Prior to termination of his or her employment, obtains a restraining order under s. 813.12, 813.122, 813.123, 813.125 or 813.127, or has a foreign protection order recognized under s. 813.128; and

3. Demonstrates to the department that the order has been or is reasonably likely to be violated.

~~2. In determining whether a restraining order is reasonably likely to be violated under subd. 1., the department shall consider evidence, regardless of its age, including court, criminal, medical, law enforcement, child protective services, social services, psychological, school and similar records, and statements from persons other than the employee who have knowledge of circumstances related to the potential for violation of the order.~~

SECTION 29. 108.04 (11) (cm) of the statutes is created to read:

108.04 (11) (cm) Any person who makes a false statement or representation in order to obtain benefits in the name of another person may, by a determination or decision issued under s. 108.095, be required to repay the amount of the benefits obtained and be assessed an administrative assessment in an additional amount equal to not more than 50% of the amount of benefits obtained.

SECTION 30. 108.04 (11) (d) of the statutes is amended to read:

108.04 (11) (d) In addition to other remedies, the department may, by civil action, recover any benefits obtained by means of any false statement or representation or any administrative assessment imposed under par. (cm). Chapter 778 does not apply to collection of any benefits or assessment under this paragraph.

1 **SECTION 31.** 108.04 (13) (d) of the statutes is amended to read:

2 108.04 (13) (d) 1. If the department finds that any benefits charged to an
3 employer's account have been erroneously paid to an employee without fault by the
4 employer, the department shall notify the employee and the employer of the erroneous
5 payment.

6 2. If recovery of an overpayment is permitted under s. 108.22 (8) (c) and benefits
7 are currently payable to the employee from the employer's account, the department
8 may correct the ^{plain}~~error~~ ~~overpayment~~ by adjusting the benefits accordingly.

9 3. To correct any ^{plain}~~erroneous payment~~ ~~overpayment~~ not so adjusted, whenever
10 recovery of an overpayment is permitted under s. 108.22 (8) (c) that was charged to
11 the account of an employer that is subject to the contribution requirements of ss.
12 108.17 and 108.18, the department shall:

13 a. If recovery of ^{an}~~the~~ overpayment is permitted under s. 108.22 (8) (c), restore
14 the proper amount to the employer's account and charge that amount to the fund's
15 balancing account, and shall thereafter reimburse the balancing account by
16 crediting to it benefits which would otherwise be payable to, or cash recovered from,
17 the employee, ~~unless the employer is a government unit or nonprofit organization~~
18 ~~which has elected reimbursement financing, or;~~

19 4. To correct any ^{plain}~~erroneous payment~~ ~~overpayment~~ not so adjusted from the
20 account of an employer which is a government unit or a nonprofit organization and
21 which has elected reimbursement financing, ~~whenever recovery of an overpayment~~
22 ~~is permitted under s. 108.22 (8) (c), the department shall:~~

23 a. If recovery of ^{an}~~the~~ overpayment is permitted under s. 108.22 (8) (c), credit to
24 the account benefits which would otherwise be payable to, or cash received from, the
25 employee; or

1 b. If recovery of ^{an} the overpayment is not permitted under s. 108.22 (8) (c), restore
2 the proper amount to the employer's account and charge that amount in accordance
3 with s. 108.07 (5).

4 **SECTION 32.** 108.04 (13) (d) 3. b. of the statutes is ^{an} created to read:
5 108.04 (13) (d) 3. b. If recovery of ^{an} the overpayment is not permitted under s.
6 108.22 (8) (c), restore the proper amount to the employer's account and charge that
7 amount to the fund's balancing account. unless s. 108.07 (5) (c) applies

8 **SECTION 33.** 108.05 (1) (h) and (i) of the statutes are repealed.

9 **SECTION 34.** 108.05 (1) (j) (intro.) of the statutes is amended to read:

10 108.05 (1) (j) (intro.) Each eligible employee shall be paid benefits for each week
11 of total unemployment which commences on or after January 3, 1999, and before
12 April 2, 2000, at the weekly benefit rate specified in this paragraph. Unless sub. (1m)
13 applies, the weekly benefit rate shall equal 4% of the employee's base period wages
14 which were paid during that quarter of the employee's base period in which the
15 employee was paid the highest total wages, rounded down to the nearest whole dollar,
16 except that if that amount is less than the minimum amount shown in the following
17 schedule, no benefits are payable to the employee and if that amount is more than the
18 maximum amount shown in the following schedule, the employee's weekly benefit
19 rate shall be the maximum amount shown in the following schedule and except that
20 if the employee's benefits are exhausted during any week under s. 108.06 (1), the
21 employee shall be paid the remaining amount of benefits payable to the employee in
22 lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (j)
23 following]

24 **SECTION 35.** 108.05 (1) (k) and (L) of the statutes are created to read:

108.05 (1) (k) Each eligible employee shall be paid benefits for each week of total unemployment which commences on or after April 2, 2000, and before October 1, 2000, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base period wages which were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (k) following]

Figure 108.05 (1) (k):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.	Under \$1,125.00	\$ 0
2.	1,125.00 to 1,149.99	45
3.	1,150.00 to 1,174.99	46
4.	1,175.00 to 1,199.99	47
5.	1,200.00 to 1,224.99	48

1	6.	1,225.00	to	1,249.99	49
2	7.	1,250.00	to	1,274.99	50
3	8.	1,275.00	to	1,299.99	51
4	9.	1,300.00	to	1,324.99	52
5	10.	1,325.00	to	1,349.99	53
6	11.	1,350.00	to	1,374.99	54
7	12.	1,375.00	to	1,399.99	55
8	13.	1,400.00	to	1,424.99	56
9	14.	1,425.00	to	1,449.99	57
10	15.	1,450.00	to	1,474.99	58
11	16.	1,475.00	to	1,499.99	59
12	17.	1,500.00	to	1,524.99	60
13	18.	1,525.00	to	1,549.99	61
14	19.	1,550.00	to	1,574.99	62
15	20.	1,575.00	to	1,599.99	63
16	21.	1,600.00	to	1,624.99	64
17	22.	1,625.00	to	1,649.99	65
18	23.	1,650.00	to	1,674.99	66
19	24.	1,675.00	to	1,699.99	67
20	25.	1,700.00	to	1,724.99	68
21	26.	1,725.00	to	1,749.99	69
22	27.	1,750.00	to	1,774.99	70
23	28.	1,775.00	to	1,799.99	71
24	29.	1,800.00	to	1,824.99	72

1	30.	1,825.00	to	1,849.99	.....	73
2	31.	1,850.00	to	1,874.99	.....	74
3	32.	1,875.00	to	1,899.99	.....	75
4	33.	1,900.00	to	1,924.99	.....	76
5	34.	1,925.00	to	1,949.99	.....	77
6	35.	1,950.00	to	1,974.99	.....	78
7	36.	1,975.00	to	1,999.99	.....	79
8	37.	2,000.00	to	2,024.99	.....	80
9	38.	2,025.00	to	2,049.99	.....	81
10	39.	2,050.00	to	2,074.99	.....	82
11	40.	2,075.00	to	2,099.99	.....	83
12	41.	2,100.00	to	2,124.99	.....	84
13	42.	2,125.00	to	2,149.99	.....	85
14	43.	2,150.00	to	2,174.99	.....	86
15	44.	2,175.00	to	2,199.99	.....	87
16	45.	2,200.00	to	2,224.99	.....	88
17	46.	2,225.00	to	2,249.99	.....	89
18	47.	2,250.00	to	2,274.99	.....	90
19	48.	2,275.00	to	2,299.99	.....	91
20	49.	2,300.00	to	2,324.99	.....	92
21	50.	2,325.00	to	2,349.99	.....	93
22	51.	2,350.00	to	2,374.99	.....	94
23	52.	2,375.00	to	2,399.99	.....	95
24	53.	2,400.00	to	2,424.99	.....	96

1	54.	2,425.00	to	2,449.99	.....	97
2	55.	2,450.00	to	2,474.99	.....	98
3	56.	2,475.00	to	2,499.99	.....	99
4	57.	2,500.00	to	2,524.99	.....	100
5	58.	2,525.00	to	2,549.99	.....	101
6	59.	2,550.00	to	2,574.99	.....	102
7	60.	2,575.00	to	2,599.99	.....	103
8	61.	2,600.00	to	2,624.99	.....	104
9	62.	2,625.00	to	2,649.99	.....	105
10	63.	2,650.00	to	2,674.99	.....	106
11	64.	2,675.00	to	2,699.99	.....	107
12	65.	2,700.00	to	2,724.99	.....	108
13	66.	2,725.00	to	2,749.99	.....	109
14	67.	2,750.00	to	2,774.99	.....	110
15	68.	2,775.00	to	2,799.99	.....	111
16	69.	2,800.00	to	2,824.99	.....	112
17	70.	2,825.00	to	2,849.99	.....	113
18	71.	2,850.00	to	2,874.99	.....	114
19	72.	2,875.00	to	2,899.99	.....	115
20	73.	2,900.00	to	2,924.99	.....	116
21	74.	2,925.00	to	2,949.99	.....	117
22	75.	2,950.00	to	2,974.99	.....	118
23	76.	2,975.00	to	2,999.99	.....	119
24	77.	3,000.00	to	3,024.99	.....	120

1	78.	3,025.00	to	3,049.99	.....	121
2	79.	3,050.00	to	3,074.99	.....	122
3	80.	3,075.00	to	3,099.99	.....	123
4	81.	3,100.00	to	3,124.99	.....	124
5	82.	3,125.00	to	3,149.99	.....	125
6	83.	3,150.00	to	3,174.99	.....	126
7	84.	3,175.00	to	3,199.99	.....	127
8	85.	3,200.00	to	3,224.99	.....	128
9	86.	3,225.00	to	3,249.99	.....	129
10	87.	3,250.00	to	3,274.99	.....	130
11	88.	3,275.00	to	3,299.99	.....	131
12	89.	3,300.00	to	3,324.99	.....	132
13	90.	3,325.00	to	3,349.99	.....	133
14	91.	3,350.00	to	3,374.99	.....	134
15	92.	3,375.00	to	3,399.99	.....	135
16	93.	3,400.00	to	3,424.99	.....	136
17	94.	3,425.00	to	3,449.99	.....	137
18	95.	3,450.00	to	3,474.99	.....	138
19	96.	3,475.00	to	3,499.99	.....	139
20	97.	3,500.00	to	3,524.99	.....	140
21	98.	3,525.00	to	3,549.99	.....	141
22	99.	3,550.00	to	3,574.99	.....	142
23	100.	3,575.00	to	3,599.99	.....	143
24	101.	3,600.00	to	3,624.99	.....	144

1	102.	3,625.00	to	3,649.99	.....	145
2	103.	3,650.00	to	3,674.99	.....	146
3	104.	3,675.00	to	3,699.99	.....	147
4	105.	3,700.00	to	3,724.99	.....	148
5	106.	3,725.00	to	3,749.99	.....	149
6	107.	3,750.00	to	3,774.99	.....	150
7	108.	3,775.00	to	3,799.99	.....	151
8	109.	3,800.00	to	3,824.99	.....	152
9	110.	3,825.00	to	3,849.99	.....	153
10	111.	3,850.00	to	3,874.99	.....	154
11	112.	3,875.00	to	3,899.99	.....	155
12	113.	3,900.00	to	3,924.99	.....	156
13	114.	3,925.00	to	3,949.99	.....	157
14	115.	3,950.00	to	3,974.99	.....	158
15	116.	3,975.00	to	3,999.99	.....	159
16	117.	4,000.00	to	4,024.99	.....	160
17	118.	4,025.00	to	4,049.99	.....	161
18	119.	4,050.00	to	4,074.99	.....	162
19	120.	4,075.00	to	4,099.99	.....	163
20	121.	4,100.00	to	4,124.99	.....	164
21	122.	4,125.00	to	4,149.99	.....	165
22	123.	4,150.00	to	4,174.99	.....	166
23	124.	4,175.00	to	4,199.99	.....	167
24	125.	4,200.00	to	4,224.99	.....	168

1	126.	4,225.00	to	4,249.99	.....	169
2	127.	4,250.00	to	4,274.99	.....	170
3	128.	4,275.00	to	4,299.99	.....	171
4	129.	4,300.00	to	4,324.99	.....	172
5	130.	4,325.00	to	4,349.99	.....	173
6	131.	4,350.00	to	4,374.99	.....	174
7	132.	4,375.00	to	4,399.99	.....	175
8	133.	4,400.00	to	4,424.99	.....	176
9	134.	4,425.00	to	4,449.99	.....	177
10	135.	4,450.00	to	4,474.99	.....	178
11	136.	4,475.00	to	4,499.99	.....	179
12	137.	4,500.00	to	4,524.99	.....	180
13	138.	4,525.00	to	4,549.99	.....	181
14	139.	4,550.00	to	4,574.99	.....	182
15	140.	4,575.00	to	4,599.99	.....	183
16	141.	4,600.00	to	4,624.99	.....	184
17	142.	4,625.00	to	4,649.99	.....	185
18	143.	4,650.00	to	4,674.99	.....	186
19	144.	4,675.00	to	4,699.99	.....	187
20	145.	4,700.00	to	4,724.99	.....	188
21	146.	4,725.00	to	4,749.99	.....	189
22	147.	4,750.00	to	4,774.99	.....	190
23	148.	4,775.00	to	4,799.99	.....	191
24	149.	4,800.00	to	4,824.99	.....	192



1	150.	4,825.00	to	4,849.99	.....	193
2	151.	4,850.00	to	4,874.99	.....	194
3	152.	4,875.00	to	4,899.99	.....	195
4	153.	4,900.00	to	4,924.99	.....	196
5	154.	4,925.00	to	4,949.99	.....	197
6	155.	4,950.00	to	4,974.99	.....	198
7	156.	4,975.00	to	4,999.99	.....	199
8	157.	5,000.00	to	5,024.99	.....	200
9	158.	5,025.00	to	5,049.99	.....	201
10	159.	5,050.00	to	5,074.99	.....	202
11	160.	5,075.00	to	5,099.99	.....	203
12	161.	5,100.00	to	5,124.99	.....	204
13	162.	5,125.00	to	5,149.99	.....	205
14	163.	5,150.00	to	5,174.99	.....	206
15	164.	5,175.00	to	5,199.99	.....	207
16	165.	5,200.00	to	5,224.99	.....	208
17	166.	5,225.00	to	5,249.99	.....	209
18	167.	5,250.00	to	5,274.99	.....	210
19	168.	5,275.00	to	5,299.99	.....	211
20	169.	5,300.00	to	5,324.99	.....	212
21	170.	5,325.00	to	5,349.99	.....	213
22	171.	5,350.00	to	5,374.99	.....	214
23	172.	5,375.00	to	5,399.99	.....	215
24	173.	5,400.00	to	5,424.99	.....	216

1	174.	5,425.00	to	5,449.99	.....	217
2	175.	5,450.00	to	5,474.99	.....	218
3	176.	5,475.00	to	5,499.99	.....	219
4	177.	5,500.00	to	5,524.99	.....	220
5	178.	5,525.00	to	5,549.99	.....	221
6	179.	5,550.00	to	5,574.99	.....	222
7	180.	5,575.00	to	5,599.99	.....	223
8	181.	5,600.00	to	5,624.99	.....	224
9	182.	5,625.00	to	5,649.99	.....	225
10	183.	5,650.00	to	5,674.99	.....	226
11	184.	5,675.00	to	5,699.99	.....	227
12	185.	5,700.00	to	5,724.99	.....	228
13	186.	5,725.00	to	5,749.99	.....	229
14	187.	5,750.00	to	5,774.99	.....	230
15	188.	5,775.00	to	5,799.99	.....	231
16	189.	5,800.00	to	5,824.99	.....	232
17	190.	5,825.00	to	5,849.99	.....	233
18	191.	5,850.00	to	5,874.99	.....	234
19	192.	5,875.00	to	5,899.99	.....	235
20	193.	5,900.00	to	5,924.99	.....	236
21	194.	5,925.00	to	5,949.99	.....	237
22	195.	5,950.00	to	5,974.99	.....	238
23	196.	5,975.00	to	5,999.99	.....	239
24	197.	6,000.00	to	6,024.99	.....	240

1	198.	6,025.00	to	6,049.99	.....	241
2	199.	6,050.00	to	6,074.99	.....	242
3	200.	6,075.00	to	6,099.99	.....	243
4	201.	6,100.00	to	6,124.99	.....	244
5	202.	6,125.00	to	6,149.99	.....	245
6	203.	6,150.00	to	6,174.99	.....	246
7	204.	6,175.00	to	6,199.99	.....	247
8	205.	6,200.00	to	6,224.99	.....	248
9	206.	6,225.00	to	6,249.99	.....	249
10	207.	6,250.00	to	6,274.99	.....	250
11	208.	6,275.00	to	6,299.99	.....	251
12	209.	6,300.00	to	6,324.99	.....	252
13	210.	6,325.00	to	6,349.99	.....	253
14	211.	6,350.00	to	6,374.99	.....	254
15	212.	6,375.00	to	6,399.99	.....	255
16	213.	6,400.00	to	6,424.99	.....	256
17	214.	6,425.00	to	6,449.99	.....	257
18	215.	6,450.00	to	6,474.99	.....	258
19	216.	6,475.00	to	6,499.99	.....	259
20	217.	6,500.00	to	6,524.99	.....	260
21	218.	6,525.00	to	6,549.99	.....	261
22	219.	6,550.00	to	6,574.99	.....	262
23	220.	6,575.00	to	6,599.99	.....	263
24	221.	6,600.00	to	6,624.99	.....	264

1	222.	6,625.00	to	6,649.99	265
2	223.	6,650.00	to	6,674.99	266
3	224.	6,675.00	to	6,699.99	267
4	225.	6,700.00	to	6,724.99	268
5	226.	6,725.00	to	6,749.99	269
6	227.	6,750.00	to	6,774.99	270
7	228.	6,775.00	to	6,799.99	271
8	229.	6,800.00	to	6,824.99	272
9	230.	6,825.00	to	6,849.99	273
10	231.	6,850.00	to	6,874.99	274
11	232.	6,875.00	to	6,899.99	275
12	233.	6,900.00	to	6,924.99	276
13	234.	6,925.00	to	6,949.99	277
14	235.	6,950.00	to	6,974.99	278
15	236.	6,975.00	to	6,999.99	279
16	237.	7,000.00	to	7,024.99	280
17	238.	7,025.00	to	7,049.99	281
18	239.	7,050.00	to	7,074.99	282
19	240.	7,075.00	to	7,099.99	283
20	241.	7,100.00	to	7,124.99	284
21	242.	7,125.00	to	7,149.99	285
22	243.	7,150.00	to	7,174.99	286
23	244.	7,175.00	to	7,199.99	287
24	245.	7,200.00	to	7,224.99	288

1	246.	7,225.00	to	7,249.99	.....	289
2	247.	7,250.00	to	7,274.99	.....	290
3	248.	7,275.00	to	7,299.99	.....	291
4	249.	7,300.00	to	7,324.99	.....	292
5	250.	7,325.00	to	7,349.99	.....	293
6	251.	7,350.00	to	7,374.99	.....	294
7	252.	7,375.00	to	7,399.99	.....	295
8	253.	7,400.00	to	7,424.99	.....	296
9	254.	7,425.00	to	7,449.99	.....	297
10	255.	7,450.00	to	7,474.99	.....	298
11	256.	7,475.00	to	7,499.99	.....	299
12	257.	7,500.00	to	7,524.99	.....	300
13	258.	7,525.00	to	7,549.99	.....	301
14	259.	7,550.00	to	7,574.99	.....	302
15	260.	7,575.00	to	7,599.99	.....	303
16	261.	7,600.00	to	7,624.99	.....	304
17	262.	7,625.00		and over	.....	305

(L) Each eligible employee shall be paid benefits for each week of total unemployment which commences on or after October 1, 2000, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base period wages which were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable

1 to the employee and if that amount is more than the maximum amount shown in the
2 following schedule, the employee's weekly benefit rate shall be the maximum amount
3 shown in the following schedule and except that if the employee's benefits are
4 exhausted during any week under s. 108.06 (1), the employee shall be paid the
5 remaining amount of benefits payable to the employee in lieu of the amount shown
6 in the following schedule: [See Figure 108.05 (1) (L) following]

Figure 108.05 (1) (L):

			Highest Quarterly Wages Paid		Weekly Benefit Rate
10					
11					
12	Line				
13					
14	1.	.....	Under	\$1,150.00	\$ 0
15	2.	.....	1,150.00 to	1,174.99	46
16	3.	.....	1,175.00 to	1,199.99	47
17	4.	.....	1,200.00 to	1,224.99	48
18	5.	.....	1,225.00 to	1,249.99	49
19	6.	.....	1,250.00 to	1,274.99	50
20	7.	.....	1,275.00 to	1,299.99	51
21	8.	.....	1,300.00 to	1,324.99	52
22	9.	.....	1,325.00 to	1,349.99	53
23	10.	.....	1,350.00 to	1,374.99	54
24	11.	.....	1,375.00 to	1,399.99	55
25	12.	.....	1,400.00 to	1,424.99	56
26	13.	.....	1,425.00 to	1,449.99	57


1	14.	.....	1,450.00	to	1,474.99	.....	58
2	15.	.....	1,475.00	to	1,499.99	.....	59
3	16.	.....	1,500.00	to	1,524.99	.....	60
4	17.	.....	1,525.00	to	1,549.99	.....	61
5	18.	.....	1,550.00	to	1,574.99	.....	62
6	19.	.....	1,575.00	to	1,599.99	.....	63
7	20.	.....	1,600.00	to	1,624.99	.....	64
8	21.	.....	1,625.00	to	1,649.99	.....	65
9	22.	.....	1,650.00	to	1,674.99	.....	66
10	23.	.....	1,675.00	to	1,699.99	.....	67
11	24.	.....	1,700.00	to	1,724.99	.....	68
12	25.	.....	1,725.00	to	1,749.99	.....	69
13	26.	.....	1,750.00	to	1,774.99	.....	70
14	27.	.....	1,775.00	to	1,799.99	.....	71
15	28.	.....	1,800.00	to	1,824.99	.....	72
16	29.	.....	1,825.00	to	1,849.99	.....	73
17	30.	.....	1,850.00	to	1,874.99	.....	74
18	31.	.....	1,875.00	to	1,899.99	.....	75
19	32.	.....	1,900.00	to	1,924.99	.....	76
20	33.	.....	1,925.00	to	1,949.99	.....	77
21	34.	.....	1,950.00	to	1,974.99	.....	78
22	35.	.....	1,975.00	to	1,999.99	.....	79
23	36.	.....	2,000.00	to	2,024.99	.....	80
24	37.	.....	2,025.00	to	2,049.99	.....	81

1	38.	2,050.00	to	2,074.99	82
2	39.	2,075.00	to	2,099.99	83
3	40.	2,100.00	to	2,124.99	84
4	41.	2,125.00	to	2,149.99	85
5	42.	2,150.00	to	2,174.99	86
6	43.	2,175.00	to	2,199.99	87
7	44.	2,200.00	to	2,224.99	88
8	45.	2,225.00	to	2,249.99	89
9	46.	2,250.00	to	2,274.99	90
10	47.	2,275.00	to	2,299.99	91
11	48.	2,300.00	to	2,324.99	92
12	49.	2,325.00	to	2,349.99	93
13	50.	2,350.00	to	2,374.99	94
14	51.	2,375.00	to	2,399.99	95
15	52.	2,400.00	to	2,424.99	96
16	53.	2,425.00	to	2,449.99	97
17	54.	2,450.00	to	2,474.99	98
18	55.	2,475.00	to	2,499.99	99
19	56.	2,500.00	to	2,524.99	100
20	57.	2,525.00	to	2,549.99	101
21	58.	2,550.00	to	2,574.99	102
22	59.	2,575.00	to	2,599.99	103
23	60.	2,600.00	to	2,624.99	104
24	61.	2,625.00	to	2,649.99	105



1	62.	.....	2,650.00	to	2,674.99	.....	106
2	63.	.....	2,675.00	to	2,699.99	.....	107
3	64.	.....	2,700.00	to	2,724.99	.....	108
4	65.	.....	2,725.00	to	2,749.99	.....	109
5	66.	.....	2,750.00	to	2,774.99	.....	110
6	67.	.....	2,775.00	to	2,799.99	.....	111
7	68.	.....	2,800.00	to	2,824.99	.....	112
8	69.	.....	2,825.00	to	2,849.99	.....	113
9	70.	.....	2,850.00	to	2,874.99	.....	114
10	71.	.....	2,875.00	to	2,899.99	.....	115
11	72.	.....	2,900.00	to	2,924.99	.....	116
12	73.	.....	2,925.00	to	2,949.99	.....	117
13	74.	.....	2,950.00	to	2,974.99	.....	118
14	75.	.....	2,975.00	to	2,999.99	.....	119
15	76.	.....	3,000.00	to	3,024.99	.....	120
16	77.	.....	3,025.00	to	3,049.99	.....	121
17	78.	.....	3,050.00	to	3,074.99	.....	122
18	79.	.....	3,075.00	to	3,099.99	.....	123
19	80.	.....	3,100.00	to	3,124.99	.....	124
20	81.	.....	3,125.00	to	3,149.99	.....	125
21	82.	.....	3,150.00	to	3,174.99	.....	126
22	83.	.....	3,175.00	to	3,199.99	.....	127
23	84.	.....	3,200.00	to	3,224.99	.....	128
24	85.	.....	3,225.00	to	3,249.99	.....	129

1	86.	3,250.00	to	3,274.99	130
2	87.	3,275.00	to	3,299.99	131
3	88.	3,300.00	to	3,324.99	132
4	89.	3,325.00	to	3,349.99	133
5	90.	3,350.00	to	3,374.99	134
6	91.	3,375.00	to	3,399.99	135
7	92.	3,400.00	to	3,424.99	136
8	93.	3,425.00	to	3,449.99	137
9	94.	3,450.00	to	3,474.99	138
10	95.	3,475.00	to	3,499.99	139
11	96.	3,500.00	to	3,524.99	140
12	97.	3,525.00	to	3,549.99	141
13	98.	3,550.00	to	3,574.99	142
14	99.	3,575.00	to	3,599.99	143
15	100.	3,600.00	to	3,624.99	144
16	101.	3,625.00	to	3,649.99	145
17	102.	3,650.00	to	3,674.99	146
18	103.	3,675.00	to	3,699.99	147
19	104.	3,700.00	to	3,724.99	148
20	105.	3,725.00	to	3,749.99	149
21	106.	3,750.00	to	3,774.99	150
22	107.	3,775.00	to	3,799.99	151
23	108.	3,800.00	to	3,824.99	152
24	109.	3,825.00	to	3,849.99	153

1	110.	3,850.00	to	3,874.99	.....	154
2	111.	3,875.00	to	3,899.99	.....	155
3	112.	3,900.00	to	3,924.99	.....	156
4	113.	3,925.00	to	3,949.99	.....	157
5	114.	3,950.00	to	3,974.99	.....	158
6	115.	3,975.00	to	3,999.99	.....	159
7	116.	4,000.00	to	4,024.99	.....	160
8	117.	4,025.00	to	4,049.99	.....	161
9	118.	4,050.00	to	4,074.99	.....	162
10	119.	4,075.00	to	4,099.99	.....	163
11	120.	4,100.00	to	4,124.99	.....	164
12	121.	4,125.00	to	4,149.99	.....	165
13	122.	4,150.00	to	4,174.99	.....	166
14	123.	4,175.00	to	4,199.99	.....	167
15	124.	4,200.00	to	4,224.99	.....	168
16	125.	4,225.00	to	4,249.99	.....	169
17	126.	4,250.00	to	4,274.99	.....	170
18	127.	4,275.00	to	4,299.99	.....	171
19	128.	4,300.00	to	4,324.99	.....	172
20	129.	4,325.00	to	4,349.99	.....	173
21	130.	4,350.00	to	4,374.99	.....	174
22	131.	4,375.00	to	4,399.99	.....	175
23	132.	4,400.00	to	4,424.99	.....	176
24	133.	4,425.00	to	4,449.99	.....	177



1	134.	4,450.00	to	4,474.99	178
2	135.	4,475.00	to	4,499.99	179
3	136.	4,500.00	to	4,524.99	180
4	137.	4,525.00	to	4,549.99	181
5	138.	4,550.00	to	4,574.99	182
6	139.	4,575.00	to	4,599.99	183
7	140.	4,600.00	to	4,624.99	184
8	141.	4,625.00	to	4,649.99	185
9	142.	4,650.00	to	4,674.99	186
10	143.	4,675.00	to	4,699.99	187
11	144.	4,700.00	to	4,724.99	188
12	145.	4,725.00	to	4,749.99	189
13	146.	4,750.00	to	4,774.99	190
14	147.	4,775.00	to	4,799.99	191
15	148.	4,800.00	to	4,824.99	192
16	149.	4,825.00	to	4,849.99	193
17	150.	4,850.00	to	4,874.99	194
18	151.	4,875.00	to	4,899.99	195
19	152.	4,900.00	to	4,924.99	196
20	153.	4,925.00	to	4,949.99	197
21	154.	4,950.00	to	4,974.99	198
22	155.	4,975.00	to	4,999.99	199
23	156.	5,000.00	to	5,024.99	200
24	157.	5,025.00	to	5,049.99	201



1	158.	5,050.00	to	5,074.99	.....	202
2	159.	5,075.00	to	5,099.99	.....	203
3	160.	5,100.00	to	5,124.99	.....	204
4	161.	5,125.00	to	5,149.99	.....	205
5	162.	5,150.00	to	5,174.99	.....	206
6	163.	5,175.00	to	5,199.99	.....	207
7	164.	5,200.00	to	5,224.99	.....	208
8	165.	5,225.00	to	5,249.99	.....	209
9	166.	5,250.00	to	5,274.99	.....	210
10	167.	5,275.00	to	5,299.99	.....	211
11	168.	5,300.00	to	5,324.99	.....	212
12	169.	5,325.00	to	5,349.99	.....	213
13	170.	5,350.00	to	5,374.99	.....	214
14	171.	5,375.00	to	5,399.99	.....	215
15	172.	5,400.00	to	5,424.99	.....	216
16	173.	5,425.00	to	5,449.99	.....	217
17	174.	5,450.00	to	5,474.99	.....	218
18	175.	5,475.00	to	5,499.99	.....	219
19	176.	5,500.00	to	5,524.99	.....	220
20	177.	5,525.00	to	5,549.99	.....	221
21	178.	5,550.00	to	5,574.99	.....	222
22	179.	5,575.00	to	5,599.99	.....	223
23	180.	5,600.00	to	5,624.99	.....	224
24	181.	5,625.00	to	5,649.99	.....	225

1	182.	5,650.00	to	5,674.99	.....	226
2	183.	5,675.00	to	5,699.99	.....	227
3	184.	5,700.00	to	5,724.99	.....	228
4	185.	5,725.00	to	5,749.99	.....	229
5	186.	5,750.00	to	5,774.99	.....	230
6	187.	5,775.00	to	5,799.99	.....	231
7	188.	5,800.00	to	5,824.99	.....	232
8	189.	5,825.00	to	5,849.99	.....	233
9	190.	5,850.00	to	5,874.99	.....	234
10	191.	5,875.00	to	5,899.99	.....	235
11	192.	5,900.00	to	5,924.99	.....	236
12	193.	5,925.00	to	5,949.99	.....	237
13	194.	5,950.00	to	5,974.99	.....	238
14	195.	5,975.00	to	5,999.99	.....	239
15	196.	6,000.00	to	6,024.99	.....	240
16	197.	6,025.00	to	6,049.99	.....	241
17	198.	6,050.00	to	6,074.99	.....	242
18	199.	6,075.00	to	6,099.99	.....	243
19	200.	6,100.00	to	6,124.99	.....	244
20	201.	6,125.00	to	6,149.99	.....	245
21	202.	6,150.00	to	6,174.99	.....	246
22	203.	6,175.00	to	6,199.99	.....	247
23	204.	6,200.00	to	6,224.99	.....	248
24	205.	6,225.00	to	6,249.99	.....	249

1	206.	6,250.00	to	6,274.99	.....	250
2	207.	6,275.00	to	6,299.99	.....	251
3	208.	6,300.00	to	6,324.99	.....	252
4	209.	6,325.00	to	6,349.99	.....	253
5	210.	6,350.00	to	6,374.99	.....	254
6	211.	6,375.00	to	6,399.99	.....	255
7	212.	6,400.00	to	6,424.99	.....	256
8	213.	6,425.00	to	6,449.99	.....	257
9	214.	6,450.00	to	6,474.99	.....	258
10	215.	6,475.00	to	6,499.99	.....	259
11	216.	6,500.00	to	6,524.99	.....	260
12	217.	6,525.00	to	6,549.99	.....	261
13	218.	6,550.00	to	6,574.99	.....	262
14	219.	6,575.00	to	6,599.99	.....	263
15	220.	6,600.00	to	6,624.99	.....	264
16	221.	6,625.00	to	6,649.99	.....	265
17	222.	6,650.00	to	6,674.99	.....	266
18	223.	6,675.00	to	6,699.99	.....	267
19	224.	6,700.00	to	6,724.99	.....	268
20	225.	6,725.00	to	6,749.99	.....	269
21	226.	6,750.00	to	6,774.99	.....	270
22	227.	6,775.00	to	6,799.99	.....	271
23	228.	6,800.00	to	6,824.99	.....	272
24	229.	6,825.00	to	6,849.99	.....	273

1	230.	6,850.00	to	6,874.99	.....	274
2	231.	6,875.00	to	6,899.99	.....	275
3	232.	6,900.00	to	6,924.99	.....	276
4	233.	6,925.00	to	6,949.99	.....	277
5	234.	6,950.00	to	6,974.99	.....	278
6	235.	6,975.00	to	6,999.99	.....	279
7	236.	7,000.00	to	7,024.99	.....	280
8	237.	7,025.00	to	7,049.99	.....	281
9	238.	7,050.00	to	7,074.99	.....	282
10	239.	7,075.00	to	7,099.99	.....	283
11	240.	7,100.00	to	7,124.99	.....	284
12	241.	7,125.00	to	7,149.99	.....	285
13	242.	7,150.00	to	7,174.99	.....	286
14	243.	7,175.00	to	7,199.99	.....	287
15	244.	7,200.00	to	7,224.99	.....	288
16	245.	7,225.00	to	7,249.99	.....	289
17	246.	7,250.00	to	7,274.99	.....	290
18	247.	7,275.00	to	7,299.99	.....	291
19	248.	7,300.00	to	7,324.99	.....	292
20	249.	7,325.00	to	7,349.99	.....	293
21	250.	7,350.00	to	7,374.99	.....	294
22	251.	7,375.00	to	7,399.99	.....	295
23	252.	7,400.00	to	7,424.99	.....	296
24	253.	7,425.00	to	7,449.99	.....	297

1	254.	7,450.00	to	7,474.99	.....	298
2	255.	7,475.00	to	7,499.99	.....	299
3	256.	7,500.00	to	7,524.99	.....	300
4	257.	7,525.00	to	7,549.99	.....	301
5	258.	7,550.00	to	7,574.99	.....	302
6	259.	7,575.00	to	7,599.99	.....	303
7	260.	7,600.00	to	7,624.99	.....	304
8	261.	7,625.00	to	7,649.99	.....	305
9	262.	7,650.00	to	7,674.99	.....	306
10	263.	7,675.00	to	7,699.99	.....	307
11	264.	7,700.00	to	7,724.99	.....	308
12	265.	7,725.00	to	7,749.99	.....	309
13	266.	7,750.00	to	7,774.99	.....	310
14	267.	7,775.00	to	7,799.99	.....	311
15	268.	7,800.00	to	7,824.99	.....	312
16	269.	7,825.00	and over	.....		313

SECTION 36. 108.05 (3) (a) of the statutes is amended to read:

108.05 (3) (a) Except as provided in ~~par. pars.~~ (b) and (c), if an eligible employee earns wages in a given week, the first \$30 of the wages shall be disregarded and the employee's applicable weekly benefit payment shall be reduced by 67% of the remaining amount, except that no such employee is eligible for benefits if the employee's benefit payment would be less than \$5 for any week. For purposes of this paragraph, "wages" includes any salary reduction amounts earned that are not wages and that are deducted from the salary of a claimant by an employer pursuant

1 to a salary reduction agreement under a cafeteria plan, within the meaning of 26
2 USC 125, and any amount that a claimant would have earned in available work
3 which is treated as wages under s. 108.04 (1) (a), but excludes any amount that a
4 claimant earns for services performed as a volunteer fire fighter or volunteer
5 emergency medical technician. In applying this paragraph, the department shall
6 disregard discrepancies of less than \$2 between wages reported by employees and
7 employers.

8 **SECTION 37.** 108.05 (3) (c) of the statutes is created to read:

9 108.05 (3) (c) A claimant is ineligible to receive any benefits for a week in which
10 the claimant works a total of 40 or more hours for one or more employing units.

11 **SECTION 38.** 108.06 (2) (cm) of the statutes is created to read:

12 108.06 (2) (cm) If an employee qualifies to receive benefits using the base period
13 described in s. 108.02 (4) (b), the wages used to compute the employee's benefit
14 entitlement are not available for use in any subsequent benefit computation for the
15 same employee, except under s. 108.141 or 108.142.

16 **SECTION 39.** 108.09 (2) (bm) of the statutes is amended to read:

17 108.09 (2) (bm) In determining whether an individual meets the conditions
18 specified in s. 108.02 (12) (b) 2. a. or b. or (bm) 1. or 2., the department shall not
19 consider documents granting operating authority or licenses, or any state or federal
20 laws or federal regulations granting such authority or licenses.

21 **SECTION 40.** 108.09 (4s) of the statutes is amended to read:

22 108.09 (4s) EMPLOYEE STATUS. In determining whether an individual meets the
23 conditions specified in s. 108.02 (12) (b) 2. a. or b. or (bm) 1. or 2., the appeal tribunal
24 shall not take administrative notice of or admit into evidence documents granting

1 operating authority or licenses, or any state or federal laws or federal regulations
2 granting such authority or licenses.

3 ~~SECTION 41. 108.09 (9) (c) of the statutes is amended to read:~~

4 ~~108.09 (9) (c) If any determination or decision awarding benefits is finally~~
5 ~~amended, modified or reversed, any benefits paid to the claimant which would not~~
6 ~~have been paid under such final determination or decision shall be deemed an~~
7 ~~erroneous payment overpayment. Sections 108.04 (13) (c) and (d), 108.16 (3) and~~
8 ~~108.22 (8) shall apply to the charging and recovery of such erroneous payment the~~
9 ~~overpayment.~~

10 SECTION 42. 108.095 of the statutes is created to read:

11 **108.095 False statements or representations to obtain benefits payable**
12 **to other persons. (1)** The procedures under this section apply to any issue arising
13 under this chapter concerning any alleged false statement or representation of a
14 person to obtain benefits that are payable to another person, and are in addition to
15 any determination, decision or other procedure provided under s. 108.09. The
16 procedures under this section apply whether or not a penalty for an offense is
17 provided under s. 108.24.

18 **(2)** The department shall investigate whether any person has obtained benefits
19 that were payable to another person by means of any false statement or
20 representation, and may issue an initial determination concerning its findings. The
21 department shall mail a copy of the determination to the last-known address of each
22 party affected thereby. Unless designated by a determination under this section, an
23 employing unit is not a party to the determination. The department may set aside
24 or amend the determination at any time prior to a hearing concerning the

1 determination under sub. (5) on the basis of subsequent information or to correct a
2 mistake, including an error of law.

3 (3) Any party to a determination may appeal that determination by requesting
4 a hearing concerning any matter in that determination if the request is received by
5 the department or postmarked within 14 days after the mailing.

6 (4) Upon issuance of a determination, the department is a party to the
7 determination.

8 (5) Any hearing shall be held before an appeal tribunal appointed under s.
9 108.09 (3). Section 108.09 (4) and (5) applies to the proceeding before the tribunal.

10 (6) Any party may petition the commission for review of the decision of the
11 appeal tribunal under s. 108.09 (6). The commission's authority to take action
12 concerning any issue or proceeding under this section is the same as that provided
13 in s. 108.09 (6).

14 (7) Any party may commence an action for judicial review of a decision of the
15 commission under this section, after exhausting the remedies provided under this
16 section, by commencing the action within 30 days after the decision of the
17 commission is mailed to the department and the last-known address of each other
18 party. The scope and manner of judicial review is the same as that provided in s.
19 108.09 (7).

20 (8) The mailing of determinations and decisions under this section shall be first
21 class and may include the use of services performed by the postal service requiring
22 the payment of extra fees.

23 ~~(9) Section 108.09 (8) (b) applies to representation and fees for representation~~
24 ~~of parties in proceedings under this section.~~

25 SECTION 43. 108.15 (3) (e) of the statutes is amended to read:

1 108.15 (3) (e) Each time a government unit elects or reelects contribution
2 financing its initial contribution rate shall be 2.7% on its payroll for each of the first
3 3 calendar years in which such election or reelection is in effect, ~~plus any~~
4 ~~contributions payable under s. 108.18 (2) (b).~~ If a government unit terminates its
5 election of contribution financing it may not reelect contribution financing within a
6 period of 3 calendar years thereafter.

7 **SECTION 44.** 108.151 (1) of the statutes is amended to read:

8 108.151 (1) EMPLOYER'S CONTRIBUTION RATE. Each nonprofit organization which
9 is or becomes an employer subject to this chapter shall be subject to all its provisions
10 except as it may elect reimbursement financing in accordance with sub. (2). If such
11 an approved election is terminated, the employer's contribution rate shall be 2.7%
12 on its payroll for each of the next 3 calendar years, ~~plus any contributions payable~~
13 ~~under s. 108.18 (2) (b).~~

14 **SECTION 45.** 108.16 (6) (e) of the statutes is amended to read:

15 108.16 (6) (e) The amount of any benefit check duly issued and delivered or
16 mailed to an employee, if such check has not been presented for payment within one
17 year after its date of issue; provided that a substitute check may be issued and
18 charged to the balancing account, ~~at any time within the next following year if the~~
19 employee makes application therefor within 6 years after the date of issue of the
20 original check;

21 **SECTION 46.** 108.16 (6m) (e) of the statutes is amended to read:

22 108.16 (6m) (e) Any overpayment of benefits that is written off under sub. (3),
23 unless it is chargeable to an employer's account under s. 108.04 (13) ~~(e) or (d).~~

24 **SECTION 47.** 108.161 (3e) of the statutes is created to read:

1 108.161 (3e) Notwithstanding sub. (3), any moneys allocated under section 903
2 of the federal Social Security Act for federal fiscal years 2000, 2001 and 2002 shall
3 be used solely for unemployment insurance administration.

4 **SECTION 48.** 108.18 (2) (b) of the statutes is repealed.

5 **SECTION 49.** 108.18 (2) (c) of the statutes is amended to read:

6 108.18 (2) (c) An employer engaged in the construction of roads, bridges,
7 highways, sewers, water mains, utilities, public buildings, factories, housing, or
8 similar construction projects shall pay contributions for each of the first 3 calendar
9 years at the average rate for construction industry employers as determined by the
10 department on each computation date, rounded up to the next highest rate, ~~except~~
11 ~~as additional contributions apply under par. (b).~~ This rate may in no case be more
12 than the maximum rate specified in the schedule in effect for the year of the
13 computation under sub. (4).

14 **SECTION 50.** 108.18 (9) (figure) Schedule C, line 1 of the statutes is amended
15 to read:

16 108.18 (9) (figure) Schedule C

17 1 0.00 0.02 0.00 0.05

18 **SECTION 51.** 108.18 (9) (figure) Schedule D, line 1 of the statutes is amended
19 to read:

20 108.18 (9) (figure) Schedule D

21 1 0.00 0.02 0.00 0.05

22 **SECTION 52.** 108.19 (1e) (a) of the statutes is amended to read:

23 108.19 (1e) (a) Except as provided in par. (b), each employer, other than an
24 employer which finances benefits under s. 108.15 or 108.151 shall, in addition to

other contributions payable under s. 108.18 and this section, pay an assessment to the administrative account for each year prior to the year 2000 2002 equal to the lesser of 0.01% ~~1.12%~~ of its payroll for that year or the solvency contribution that would otherwise be payable by the employer under s. 108.18 (9) for that year.

SECTION 53. 108.19 (1e) (d) of the statutes is amended to read:

108.19 (1e) (d) The department may expend the moneys received from assessments levied under this subsection for the ~~design or development of~~ renovation and modernization of the unemployment insurance information technology systems tax and accounting system, including ^{development and implementation of a new system} specifically the reengineering of automated processes and manual business functions. and

SECTION 54. 108.20 (3) of the statutes is amended to read:

108.20 (3) There shall be included in the moneys governed by sub. (2m) any amounts collected by the department under ss. 108.04 (11) (c) and (cm) and 108.22 (1) (a) and (ac) as tardy filing fees, forfeitures ~~or~~ interest on delinquent payments or other penalties and any excess moneys collected under s. 108.19 (1m).

SECTION 55. 108.20 (5) to (9) of the statutes are repealed.

SECTION 56. 108.205 (2) of the statutes is amended to read:

108.205 (2) All employers of ~~250~~ 100 or more employees, as determined under s. 108.22 (1) (ae), shall file the quarterly report under sub. (1) using ~~a medium~~

^{an} ~~electronic media~~ ^{medium} approved by the department for such employers. ~~The department~~

~~shall prescribe one or more electronic media that employers may use for compliance~~

~~with this subsection.~~ An employer that becomes subject to the reporting requirement

under this subsection shall file its initial report under this subsection for the 4th

quarter beginning after the quarter in which the employer becomes subject to the

reporting requirement. Once an employer becomes subject to the reporting

1 requirement under this subsection, the employer shall continue to file its quarterly
2 reports under this subsection for the next 4 quarters following the quarter for which
3 the employer files its first report, regardless of the number of employees reported by
4 the employer. *unless that requirement is waived by the department*

5 **SECTION 57.** 108.22 (1) (a) 1. of the statutes is amended to read:

6 108.22 (1) (a) 1. For 1 to 100 employees, ~~\$15~~ \$25.

7 **SECTION 58.** 108.22 (1) (a) 2. to 4. of the statutes are repealed.

8 **SECTION 59.** 108.22 (1) (a) 5. of the statutes is renumbered 108.22 (1) (a) 2. and
9 amended to read:

10 108.22 (1) (a) 2. For more than ~~400~~ 100 employees, ~~\$115~~ \$75.

11 **SECTION 60.** 108.22 (1) (ac) of the statutes is created to read:

12 108.22 (1) (ac) In addition to any fee assessed under par. (a), an employer that
13 is subject to the reporting requirement under s. 108.205 (2) and that fails to file its
14 report in a format prescribed under that subsection may be assessed a penalty of \$10
15 for each employee whose information is not reported in a format prescribed under s.
16 108.205 (2).

17 **SECTION 61.** 108.22 (1) (b) of the statutes is amended to read:

18 108.22 (1) (b) If the due date of a report or payment under s. 108.15 (5) (b),
19 108.151 (5) (f), 108.16 (8), 108.17 (2) or 108.205 would otherwise be a Saturday,
20 Sunday or legal holiday under state or federal law, the due date is the next following
21 day which is not a Saturday, Sunday or legal holiday under state or federal law.

22 **SECTION 62.** 108.22 (1) (c) of the statutes is amended to read:

23 108.22 (1) (c) Any report or payment, except a payment required by s. 108.15
24 (5) (b) or 108.151 (5) (f), to which this subsection applies is delinquent, within the
25 meaning of par. (a), unless it is received by the department, in the form prescribed

1 by law or rule of the department, no later than its due date as determined under par.
2 (b), or if mailed is either postmarked no later than that due date or is received by the
3 department no later than 3 days after that due date. Any payment required by s.
4 108.15 (5) (b) or 108.151 (5) (f) is delinquent, within the meaning of par. (a), unless
5 it is received by the department, in the form prescribed by law, no later than its due
6 date the last day of the month in which it is due.

7 **SECTION 63.** 108.22 (8) (c) 1. a. of the statutes is amended to read:

8 108.22 (8) (c) 1. a. The overpayment was the result of a departmental error,
9 ~~whether or not an~~ and was not the fault of any employer is also at fault under s.
10 108.04 (13) (f); and

11 **SECTION 64. Nonstatutory provisions.**

12 (1) DEFINITIONS. In this SECTION:

13 (a) "Department" means the department of workforce development.

14 (b) "Employer" has the meaning given in section 108.02 (13) of the statutes.

15 (2) NOTICE OF LEVY FOR YEAR 2000. Notwithstanding section 108.19 (1e) (b) of the
16 statutes, if this subsection takes effect after October 31, 1999, the department may,
17 no later than the 30th day commencing after the effective date of this subsection,
18 publish a notice under that paragraph of an assessment to be levied against
19 employers under section 108.19 (1e) of the statutes, as created by this act, in the year
20 2000.

21 **SECTION 65. Initial applicability.**

22 (1) The treatment of sections 108.02 (4) and 108.06 (2) (cm) of the statutes first
23 applies to benefit years beginning on July 2, 2000.

- 1 (2) The treatment of sections 108.02 (12) (a), (b) (intro.) and (bm) and 108.09
2 (2) (bm) and (4s) ^(with respect to contribution requirements) of the statutes first applies ~~with respect to services performed after~~
3 ~~December 31, 1999~~ ^{on January 1, 1999}
4
5 PWS 53-3
6 (3) The treatment of section 108.04 (1) (b) 2. and (c) of the statutes first applies
7 with respect to leaves of absence commencing on ^{April 2, 2000} ~~the effective date of this subsection.~~
8
9 (4) The treatment of section 108.04 (2) (a) 1., 2. and 3. of the statutes first
10 applies with respect to weeks of unemployment beginning on ~~the effective date of this~~
11 ~~subsection~~ ^{April 2, 2000}
12 (5) The treatment of section 108.04 (7) (b), (cm), (h), (i) and (s) of the statutes
13 first applies with respect to terminations commencing on ~~the effective date of this~~
14 ~~subsection~~ ^{April 2, 2000}
15 (6) The treatment of sections 108.04 (11) (cm) and 108.095 of the statutes first
16 applies with respect to false statements and representations made on ~~the effective~~
17 ~~date of this subsection~~ ^{April 2, 2000}
18 (7) The treatment of section 108.05 (3) (a) and (c) of the statutes first applies
19 with respect to weeks of unemployment beginning on April 2, 2000.
20 (8) The treatment of section 108.16 (6) (e) of the statutes first applies with
21 respect to unemployment insurance benefit checks issued on January 1, 1995.
22 (9) The treatment of section 108.22 (1) (b) and (c) of the statutes first applies
23 to reimbursements billed in the month following the month that includes the
effective date of this subsection.
- (10) The treatment of section 108.18 (9) (figure) Schedule C and Schedule D of
the statutes first applies with respect to payrolls beginning on January 1, 2000.

(11) The treatment of sections 108.20 (3), 108.205 (2) and 108.22 (1) (a) 1. to 5. and (ac) of the statutes first applies with respect to reports due for the calendar quarter ending on March 31, 2000.

4 **SECTION 66. Effective dates.** This act takes effect on the first Sunday after
5 publication, except as follows:

(1) The treatment of sections 108.15 (3) (e), 108.151 (1) and 108.18 (2) (b) and (c) of the statutes takes effect on January 1, 2000.

8 (END)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3247/1 *h s*
JTK.....

INSERT 16-22

SECTION ~~1~~^{*} 108.04 (7) (title)[✓] of the statutes is amended to read:
108.04 (7) (title) VOLUNTARY TERMINATION OF EMPLOYMENT WORK.

INSERT 53-3

~~(b)~~^{*} The treatment of sections 108.02 (12) (a), (b) (intro.) and (bm) and 108.09 (2) (bm) and (4s) (with respect to benefit eligibility) of the statutes first applies to benefit years beginning on April 2, 2000.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3247/1dn

JTK...f....

Wlj

1. As we discussed, I have changed the analysis to consistently use the word "work" instead of the word "employment" where we are talking generically about any work. Both these terms are commonly understood words and I generally explain that "employment" means covered employment. However, I have not used the term "employing unit" in the analysis because this term is not commonly understood. The analysis is addressed to the average educated individual and I think that individual will generally read the word "employer" in a nonrestrictive way. In general, I don't think it's critical to make a distinction between "employer" and "employing unit" in the analysis unless a change made by the bill focuses on that distinction.

2. Concerning the initial applicability, I know that the "with respect to" phrase is not in the right place but the LRB publication editors make this decision and I can't change it.

3. The enrolled budget bill (AB-133) does not appear to include any new appropriations from U.I. interest and penalty revenues. Also, it should be noted the analysis states that under the bill, the only authorized purpose for which these revenues may be used is U.I. administration. Short of a constitutional amendment, however, it is not possible to ensure that the legislature will never again dip into these revenues.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3247/1dn
JTK:wlj:jf

October 11, 1999

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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

CORRESPONDENCE/MEMORANDUM

State of Wisconsin
Department of Workforce Development
Bureau of Legal Affairs
(608) 266-6684

DATE: 10/12/99
TO: Jeff Kuesel
FROM: Michelle Kho
RE: Bill Draft Revisions - No. 8

Jeff, these are the last of the revisions. Greg will try to call you tomorrow (Wed) later in the morning to see whether you have any questions. If you need to reach him, his cell phone no. is (608) 220-6955. You can also contact me by e-mail, which I will check throughout the day.

Because we don't anticipate any more changes, we expect "LRB3247 /2 "to be the bill that you jacket as the senate bill -- I was told that you then send the completed bill directly to the legislators Baumgard and Zien. Please email me or talk to Greg if that is incorrect.

Finally, you can also send the /2 versions of the UI Bill via email as usual -- we can read the drafts on a laptop I'm bringing with me. Thanks.

- ✓ (1) p. 7, last sentence of "Quarterly wage report format" paragraph is grammatically incorrect and should read,
"...whose information is not reported using approved electronic media."
- ✓ (2) p. 17, 108.04(7)(b), line 6 -- without the "a", it would essentially mean "employing unit's agent or employing unit's coworker". We want it to mean "coworker of the employee."
Language should read: "employing unit or employing unit's agent or a coworker ..."
- ✓ (3) p. 8, analysis for "Fraudulent claims for benefits", 1st sentence in second paragraph should say "... the repayment of any benefits that were payable paid to another person . . ." because the point is that the checks were not legally payable to the person who obtained them.
- X (4) The new employee definition section, Sections 13 and 14, p. 12, requires that the "effective date" in each of these sections is to be filled in by the revisor. However, we now have two starting dates for the employee definition -- one for tax and one for benefits (See p. 52, Section 65, (2) and (3)) -- could you please ensure that our statutory language is consistent with having two separate starting dates?

Also, we are confused by the term "effective date of this paragraph" (used in lines 14 and 21-22 on p. 12). Does the term "effective date of this paragraph" refer to the applicability dates (as opposed to the effective date in Section 66) for the definition of employee (i.e., lines 7-9 and lines 10-12), specifically 1/1/99* and 4/2/00?

We also want the analysis for the definition of employee (p. 5) to track with the statutory language, with respect to the two separate dates.

* See (5).

- ✓ (5) In section 65, p. 52, line 9, there is a mistake in the date -- it should be January 1, 1999 2000.

✓ (6) Please make it so that sections 15 and 16, p. 14, the definitions of "household member" and "family member" apply only to the domestic abuse sections. Include language if necessary, like "For purposes of section 108.02(10g) and 108.04(7)(s) only ..." We want these definitions to be limited to domestic abuse.

✓ (7) 108.04(7)(cm), Section 26, p. 17, lines 15-16:

For purposes of sub.(2)(a), such an employee ~~is deemed to be able to work and available for work during that shift.~~ will not be deemed unavailable for work solely for refusing to work another shift.

✓ (8) Section 29, 108.047(s), p. 18, lines 5-6, add:

". . . obtains a restraining order or injunction under s. . . ."

Without this language, a person could get a permanent injunction against someone but not be eligible for this quit exception.